

4492. Adulteration of adhesive bandages. U. S. v. 6 Cases * * *. (F. D. C. No. 36730. Sample No. 42774-L.)

LIBEL FILED: May 4, 1954, Northern District of California.

ALLEGED SHIPMENT: On or about February 25, 1954, by the U. S. Plastic Bandage Co., from Buffalo, N. Y.

PRODUCT: 6 cases, each containing 48 boxes, of adhesive bandages at San Francisco, Calif.

LABEL, IN PART: (Box) "Contains 100 Bandages $\frac{3}{4}$ " x 3" Elast Aids Pliable Plastic Bandages."

NATURE OF CHARGE: Adulteration, Section 501 (b), the article purported to be and was represented as "Adhesive Absorbent Bandage," a drug the name of which is recognized in the United States Pharmacopeia, an official compendium, and the quality and purity of the article fell below the official standard since the article was not sterile.

DISPOSITION: August 2, 1954. The U. S. Plastic Bandage Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond to be brought into compliance with the law, under the supervision of the Department of Health, Education, and Welfare.

DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

4493. Misbranding of Neuravim capsules. U. S. v. 10,722 Boxes, etc. (F. D. C. No. 34922. Sample No. 51322-L.)

LIBEL FILED: March 31, 1953, District of New Jersey.

ALLEGED SHIPMENT: On or about February 13, 1953, from Detroit, Mich., by the Freshman Vitamin Co., upon instructions from Neuravim Co., Ltd., Toronto, Canada.

PRODUCT: 10,722 boxes, each containing 45 capsules, of *Neuravim* at Jersey City, N. J., in possession of American Book-Stratford Press, Inc., together with a number of books entitled "The Neuravim Formula For Dynamic Nerve Power," a number of reorder blanks headed "Not Available To Anyone Other Than Neuravim Course Subscribers," and a number of booklets entitled "How To Eat For Nerve Power," "What To Eat For Nerve Power," "Sleep For Nerve Power," "Internal Hygiene For Nerve Power," "Exercises For Nerve Power," "Habits For Nerve Power," "Putting Nerve Power into Action," and "Neuravim The Power Within You."

RESULTS OF INVESTIGATION: The above-described books and booklets were printed by the consignee upon instructions from Neuravim Co., Ltd., and the reorder blanks were received by the consignee from such company. Upon instructions from Neuravim Co., Ltd., the consignee would assemble into packages, for mailing to customers, 1 book, 4 boxes of capsules, and 1 reorder blank.

LABEL, IN PART: (Box) "The Neuravim Formula Neuravim Conditioner Not for Medicinal Use Neuravim A preparation but not a substitute for the Nerve Power building program laid down by the Neuravim Directives, and is to be regarded as an adjunct but ancillary to the entire Neuravim course, and to be used accordingly. Each Capsule contains at time of Manufacture: Lac. Albumin Hydrolysate 250 Mg. L. Glutamic Acid 300 Mg. Soybean Lecithin 300 Mg. Vitamin E (d-alpha tocopherol acetate from Vegetable Oils) 25

*See also Nos. 4487, 4490, 4491.

I. U. Vitamin B₁ (Thiamine Hydrochloride USP) 2.5 Mg. Vitamin B₂ (Riboflavin USP) 3.33 Mg. Vitamin B₁₂ USP 2 Mcg. Vitamin B₆ (Pyridoxine Hydrochloride) 0.5 Mg. Niacin Amide USP 50 Mg. Calcium Pantothenate 5 Mg. with excipients to properly prepare. * * * Directions: * * * Distributed By The Neuravim Company, Ltd., 8 West 40th St., New York 18, N. Y."

NATURE OF CHARGE: Misbranding, Section 502 (a), the labeling of the article, namely, the box label, the above-mentioned book, the reorder blanks, and the booklets accompanying the article, was false and misleading. This labeling contained statements, which, when taken as a whole, as well as in specific statements and when read in the light of the setting in which it was intended to be read, conveyed to the public a meaning which represented and suggested that the article would build nerve power and that it was an adequate and effective remedy for mental and physical distress, nervous breakdown, torments, personality defects that have destroyed or threaten to destroy capacity to earn a living, inability to cope with modern civilization's drain on nerve power, inability to summon reserve of nerve power to meet great opportunities or sudden emergencies, indecision, inferiority complexes, lack of will power, procrastination, nervousness, timidity, and immaturity; lack of self reliance, self-respect, and self control; poor memory, inability to concentrate, constant tiredness, worry, sexual weakness, and impotency; to prevent high blood pressure, ulceration, asthma, hay fever, acne, eczema, migraine headaches, gallstones, diabetes, colitis, constipation, diarrhea, digestive disorders, most heart diseases, backache, sciatica, rheumatism, arthritis, bursitis, "a long list of female disorders from menstrual disorders to serious conditions requiring hysterectomy," illnesses of germ and virus origin, sixty percent or more of illnesses, nervous breakdown, sleeplessness, fretfulness, loss of appetite, phobias such as fear of the dark or of crossing a bridge, confused thinking, impaired sight, deathlike appearance of the eyes, inability to focus the eyes, dulled hearing and taste senses, fear of insanity, heart palpitation, vertigo, severe depression, and suicidal tendencies; to assure a vigorous old age; to keep glands, organs, and faculties operating efficiently into old age; to supply the various factors contributing to nerve power; and to bridge "the gap which existed in man's conception of the functions of his body and his nervous system." The article would not build nerve power; it was not an adequate and effective treatment for the diseases and conditions stated and implied; and it was not capable of fulfilling the promises of benefit made for it.

DISPOSITION: March 8, 1954. Charles Lee, as licensed trustee in behalf of the estate of Neuravim Co., Ltd., a bankrupt having appeared as claimant and consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for relabeling under the supervision of the Food and Drug Administration.

On June 11, 1954, an amended decree was entered which provided that in lieu of the release of the product under bond, the United States marshal should retain custody of the product and permit the claimant to relabel it while in custody.

4494. Misbranding of Immun capsules. U. S. v. 1,000 Bottles, etc. (F. D. C. No. 36192. Sample No. 49655-L.)

LABEL FILED: January 7, 1954, Eastern District of New York.

ALLEGED SHIPMENT: On or about January 10, 1953, from Detroit, Mich.